

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN DURRELL HOLCOMB,

Plaintiff,

No. CIV S-02-2417 LKK KJM P

vs.

HIGH DESERT STATE PRISON,

Defendant.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 30, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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1 1. The findings and recommendations filed August 30, 2005 are adopted in full;
2 and

3 2. The January 27, 2005 motion to dismiss or for summary judgment brought by
4 defendants Cloud, Barton, Wilson, Baron, Dunn, Sanders, Crofoot and Hibbits is granted in part
5 and denied in part as follows:

6 a. Granted as to defendants' motion for summary judgment with respect to
7 plaintiff's claims against defendants Baron and Dunn; and

8 b. Denied in all other respects.

9 3. Defendants Baron and Dunn are dismissed from this action.

10 DATED: September 29, 2005.

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12 /s/Lawrence K. Karlton
 UNITED STATES DISTRICT JUDGE

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